

REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 13-32 are pending. Claims 1-12 were previously cancelled without prejudice or disclaimer of the subject matter recited therein.

The specification has been amended. The claims have been amended. Claim 28 has been canceled. No new matter has been added.

Information Disclosure Statement

Applicants note that the Examiner did not consider the foreign references DE 10128927 ("AL"), DE 10046240 ("AM") and S. Waldbusser: "RFC 1757" ("AT"), which were listed on the Information Disclosure Statement ("IDS") filed September 9, 2004. Applicants have checked the online PAIR status of the present application, and respectfully submit that English language abstracts of the AL and AM references as well as a copy of the (English-language) AT reference were provided in the September 9, 2004 IDS, as indicated in the Image File Wrapper. Moreover, an English-Language equivalent (US 2004/0024550) of the AM reference was cited in the IDS. As set forth in the MPEP, the requirement for a concise explanation of relevance of a non-English language document may be satisfied by submission of an English-language equivalent application. Also, submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. See MPEP §609.04(a) III.

Therefore, Applicants respectfully submit that the IDS meets the requirements of the MPEP and request that the Examiner consider and initial the AL, AM and AT references originally submitted in the September 9, 2004 IDS.

Rejections under 35 U.S.C. §102(e), §103(a)

Claims 13-15, 17-19, 22-23, 25, 27, and 29-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,459,682 to Ellesson et al. ("Ellesson"). Claims 16, 21, 24, 26, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ellesson. Claims 20 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ellesson in view of EP 1039691 to Farrell et al. ("Farrell"). Applicants respectfully traverse the rejections.

Ellesson et al. describes an architecture for supporting service level agreements in an IP network. Traffic statistics and performance data are collected at intermediate nodes. See col. 3, lines 11-13.

Farrell describes a system wide flow aggregation process in which network accounting records (NARs) capturing details about activity and applications being used during a call. Component IDs of the NARs are time-stamped. See col. 9, lines 21-22 and lines 49-54.

Independent claims 13 and 29 of the present application have now been amended to include the features of claim 28, which has now been canceled. Claims 13 and 29, as amended, recite "associat[ing] the characteristic values with a time of the combining" of the measured values into the characteristic values. It is respectfully submitted that neither Ellesson nor Farrell

teaches or suggests associating the characteristic values with a time of the combining, as recited. As noted by the Examiner, Ellesson does not teach this feature. See Office Action mailed February 14, 2007 at page 8, section 21. Regarding Farrell, the time stamps of the NARs of Farrell merely indicate the time an accounting process component ID is produced for each NAR so that the accounting process can discriminate between multiple NARs generated by a component. See Farrell, col. 9, lines 49-54. The time stamps of the component IDs of Farrell thus indicate the time a data record was produced, and have nothing to do with a time of a combining of the measured values into characteristic values, nor an association of the characteristic values with the time of the combining, as recited. As discussed in the present specification, the aggregation time allows the calculated characteristic values to be associated with the original measured data. See specification at paragraph 51. Because neither Ellesson nor Farrell teaches or suggests the above-recited features of claims 13 and 29, neither of these references alone nor a combination of them, to the extent proper, could render either of claims 13 or 29 or any of their respective dependent claims unpatentable.

In view of the above remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 13-15, 17-19, 22-23, 25, 27, and 29-31 under 35 U.S.C. §102(e) based on Ellesson, of claims 16, 21, 24, 26, and 32 under 35 U.S.C. §103(a) based on Ellesson, and of claims 20 and 28 under 35 U.S.C. §103(a) based on Ellesson in view of Farrell.

